

REMARKS**Summary of the Office Action**

Claims 1, 3, 8 and 10-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Loboda et al. (US, 5,818,071), in view of Braeckelmann et al. (US, 6,218,302).

Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Loboda et al. in view of Toyosawa et al. (US, 6,441,467).

Claims 1 and 8 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Summary of the Response to the Office Action

Claims 1 and 8 are amended to further define the invention. Claims 5-7 are previously withdrawn from consideration and claims 2 and 4 are previously cancelled without prejudice or disclaimer. Accordingly, claims 1, 3, and 8-13 are presently pending for consideration.

Rejection of claims under 35 U.S.C. § 112, first and second paragraphs

Claims 1 and 8 stand rejected under 35 U.S.C. § 112, first and second paragraphs, because they include the limitation of "said metal interconnect layer is an uppermost interconnect layer having a thickness capable of protecting the first interconnect layer and a device region of the semiconductor device." Applicants respectfully submit that claims 1 and 8 are amended to alternatively claim the subject matter of the invention, thereby rendering the rejection moot. Applicants respectfully submit that the amendments do not narrow the intended scope of the claims and therefore do not intend to relinquish any subject matter by these amendments.

Accordingly, Applicants respectfully assert that the rejection of claims 1 and 8 under 35 U.S.C. §112, first and second paragraphs, should be withdrawn.

All Claims Define Allowable Subject Matter

Claims 1, 3, 8 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Loboda et al., in view of Braeckelmann et al. And, claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Loboda et al. in view of Toyosawa et al. Applicants respectfully traverse the rejections for at least the following reasons.

Independent claims 1 and 8 are amended to further define the invention. Applicants respectfully assert that Loboda et al. and Braeckelmann et al., whether taken singly or combined, does not teach or suggest the features recited in the amended independent claims 1 and 8. In addition, Applicants respectfully assert that Toyosawa et al. fails to cure the deficiencies of Loboda et al. Thus, Applicants respectfully submit that rejections of claims under 35 U.S.C. § 103(a) are moot. Furthermore, dependent claims 3 and 9-13 are allowable for reasons discussed above with regard to amended independent claims 1 and 8, from which they respectfully depend, as well as the individual features that dependent claims 3 and 9-13 recite.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all pending claims in condition for allowance. Applicants submit that the claim amendments do not raise new issues or necessitate additional search of the art by the Examiner.

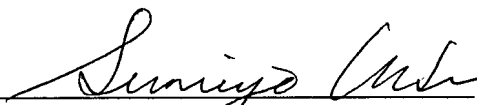
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

MORGAN, LEWIS & BOCKIUS LLP

By: _____



Sumiyo Onda
Reg. No. L0289

Dated: November 8, 2007

CUSTOMER NO. 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001